

**PUBLIC HEARING
MENOMINEE CONSERVATION COMMISSION
JANUARY 19, 2010- 5:00 P.M.
TRIBAL OFFICE BOARDROOM**

1. Roll Call and Call to Order:

Chairman Douglas Cox called the meeting to order at 5:00 p.m. Roll call was taken with a quorum present. MEMBERS PRESENT: Douglas Cox Sr., Craig Corn, Renita Wilber, Gary Frechette, and Jeremy Pyatskowit. MEMBERS ABSENT: Darren Zhuckkahosee (excused). Also present: Walter Cox, Don Reiter, Norbert Miller, and Linda Peters, Recorder.

2. Moment of Silence.

Chairman Douglas Cox requested a moment of silence.

3. Amendment to 2010 – 2012 Fishing/Lake Sturgeon Regulations:
Public Comment Period.

Douglas Cox informed the Committee that everyone should have received their redlined version in their packet. These are the proposed changes in preparation for the Legislative packets to the lake sturgeon regulations and amend them into the fishing regulations. Mr. Cox opened the floor up for comments.

Walter Cox – *“I would just like to speak about the tagging part that came out and I said I know that it has its merits. I am thinking what I said at the other meeting too is that I hope that we are not sending the wrong message out to the tribal hunters and fisherman that they don’t think tagging is out and they do not have to get tags for deer and bear. The worst thing that I thought of is after this meeting; we are working towards fish passage. We call it sturgeon reintroduction on the Menominee Reservation, and eventually in our management plan we would like the sturgeon from Winnebago to come to Menominee. By lightening up on our regulations not tagging; it is just going to be harmful if the state gets hold of and how is this going to reflect our regulatory efforts here to manage our sturgeon population here and they might say that you are not keeping stringent regulations; you are lightening up, and we shouldn’t consider passing fish up if they are going to be too lax on their regulations. This is one concern after the meeting, not just for the department, but also as a public person.*

Douglas Cox – *“When you took the proposed changes back, Walt, to your staff, was this one of their concerns.”*

Walter Cox – *“Yes it is, and one of our biologists did have this concern. I have heard and it is not terrible as it sounds, but I forgot about the sturgeon reintroduction thing and I am a little concerned about that (Lightening up on our regulations). Thank you”*

Craig Corn – *“I agree with Walt, about sending the wrong message, and I have said that in prior meetings. I understand Jeremy’s comments about quitting tagging, and that aspect of it. But to disregard tagging, licensing, and the other ones, and like I said in the prior meetings, we need all the information that we can get anything that helps us get this information is needed. I want my comments for the record that I was not in favor of this, and I still am not in favor of this. I think that we still need tagging. If anything, like Walt said we need to show what we are doing all that we can to manage our sturgeon population.”*

Renita Wilber – *“I am against this tagging being removed. I think it should stay in there, and I would like this to be noted, and that I agree with Walt, and Commissioner Craig, and I do not know further down the line that it may hurt us. I really think that we need to take this kind of stuff into consideration. Not only sturgeon, but what about hunting? If we take it out of here, what will happen down the line? I want it noted; I was against taking this out, it should be left in.”*

Jeremy Pyatskowitz – *“I would like to respond to Walt’s first concern about the impact it might have on our current efforts. Frankly, I don’t think that it is a huge issue on what we are trying to do now since it was outlined in our original plan. That was one of the few goals in the original goals that we have actually gotten to. Most of the other goals, we haven’t met. Our harvest goal which was considered one of the most important ones is the one that we actually got to. So the fact that we got to that there is nothing in the plan that dictates how we manage the harvest, and what it comes down to is that the state has absolutely no say whatsoever, and I do not think that we need to change something based on what we think the State is going to think on what we are doing. Then we are allowing them to dictate what we do with our thing, because we are afraid of what or how we might be seen. It is up to us to manage them however we see fit once we get into that harvest stage, and this is where we are at.”*

Norbert Miller – *“Somehow this came up in the Commission that they are trying to cut off tags, and permitting, and un-regulating fishing.”*

Douglas Cox – *Norbert, if you start on page 4 of your draft. The redline version of your draft, you will see what the Commission is removing in the regulations, you will see a strike, and that is what is being removed. Underlined verbiage will be what is being added. Right now the discussion is the removal of the tags on Page 5, which is what, is coming out of there, and this is where we are.”*

Norbert Miller – *“I have been going to these meetings, and for hunting, and fishing for tribal members, descendants, and spouses, and my comments is that these people have been working diligently, and you people have been working to regulate hunting, and fishing to regulate hunting and fishing on this reservation, and we go back to not tagging, or do not allow tagging, and Don Reiter has worked so hard on this reservation to get this sturgeon up here for the Tribe, so that they can go out, and spear with the tag. Somehow this was brought up in this Commission which I do not agree with at all. It should be regulated 100 percent. You are mentioning the State; I think the State has nothing to do it, but when you come to a Federal regulation and Walt can verify this, I keep saying this, because my brother Dusty has said that the Federal Government will jump in there, and if we are not regulating our members on this hunting and fishing, they are going to step in here, and we will be sad that it even happened with and we are sitting here, arguing over, and we are taking away the tagging system, and you cannot do that. We can not take away the tagging system. You can not do that and if this is being brought again; I do not know this got to this point. We have to regulate ourselves. Regardless, we need to regulate our hunting, fishing, and every time we get statistics, and if it is not printed in black and white; it is suppose to be a guideline for you to have to make a choice. It has to be some hard choices, and if you take that away, you will take a complete blow on what he has accomplished up here on the Reservation. All the work that you guys have worked for one year; two years; it will be thrown out the door at 100 percent, and how this has gotten this far is behind me. How did this get here Mr. Chairman?”*

Douglas Cox – *“The Conservation Commission had an emergency meeting after being informed that the lake sturgeon regulations expired on December 31, 2009. It was my oversight was that I thought it was included in the current fishing regulations. We had that meeting last week, and the result of that meeting was the redline version that you have in your hand, and that is how these changes came about.”*

Norbert Miller – *“Are the descendants allowed to spear?”*

Douglas Cox – *“No, you will see in the regulations changes that it is a tribal member season only. That this regulation has been like this from the onset, and this hasn’t changed at all.”*

Gary Frechette – *“The tagging has been taken out, but what has stayed in was the registration. They still have to register their sturgeon and they have 24 hours from the time that they caught the sturgeon. That information still needs to be obtained by Mr. Reiter. It is the tagging aspect that has been taken out. Whoever catches a sturgeon still needs to register it.”*

Douglas Cox – *“That language was changed to make sure that the lake sturgeon is registered”*

Norbert Miller – *“The Tribe has worked so hard in getting these sturgeons back onto the Reservation especially on the wolf river. We have a big sturgeon feast for all Menominee members. Where is the justification if you’re not going to tag anything, and we should be getting a tag for the sturgeon?”*

Douglas Cox – *“Other comments. It was the intent to move these comments to the Legislature. That is why we moved the public hearing for today in order to get these regulations on the MTL agenda. After we put the packet together last week in the Chairman’s Office, I was informed by the Chairman’s Office that this issue could not be put on the regular agenda due to the fact that we have not had a public hearing. I informed them that the public hearing was going to be held today and it was consistent with 99-01, and in fact, if the Commission had chose to move these directly to the Legislature under the emergency rule, we could have done so and in fact, we had sixty days to get this meeting in. I read the same section as I had read that was sort of felt on deaf years. What was clearly obvious was that we were not going to get a regular agenda item. I was offered to bring them forward under other business. Having considered that, I do not think that this is prudent for us to take them there; I would urge that we take these regulations on February 4, 2010 and have these as a regular agenda item.”*

Norbert Miller – *“What is there reasoning behind this? You people are sitting on this Conservation Commission that are here to protect our resources, and regulate our resources and some of this that you are striking out is going totally against this”.*

Douglas Cox – *“I don’t disagree with you Norbert. I chaired the meeting and did not have the direct vote on all the changes. The justifications are a couple fold. One is the population size that is being considered. Most importantly, the put, grow, and take fishery, and the additional information that exists out there is the amount of harvest, the low harvest numbers throughout the year, several years of sturgeon seasons (1 fish harvested), the numbers of tags (12) that have been issued throughout the years with the people that are fishing out there. Those are the reasoning’s in the discussions and that is the justification. Low numbers of people fishing, low harvest, which indicates low participation for a need for the tagging requirement. I hope that I am answering your questions”.*

Gary Frechette – *“In your definition of put, grow, and take: sturgeons do not reproduce on that lake; they are stocked every two years you stock sturgeon on that lake.”*

Douglas Cox – *“I will refer to Don Reiter to further this explanation. “*

Donald Reiter – *“There has been some proven things that can be done in the future that I have been working on with the WDNR on some management items to help them reproduce and there are items that we can work on. We can put out rock shelves out there that might in the future be beneficial, but a put, grow, and tag fishery is just that; we stock fish and then tribal members’ harvest.”*

Gary Frechette - *“Just out of curiosity; if you do the rock shelf; how do you go about in determining that they are reproducing? How would we do that?”*

Donald Reiter – *“We would have to watch them spawn.”*

Gary Frechette – *“Will this happen in the near future?”*

Donald Reiter – *“This should be in the near future.”*

Jeremy Pyatskowitz – *“I would just like to note that brief spawning by sturgeon is kind of in a contention issue if it actually happens amongst the sturgeon professionals. We would have better luck with the walleyes and fish like that. I do not anticipate it ever being anything that we are relying on. Some people claim it happens, and some people claim that it does not. Probably more benefits with other fish.”*

Craig Corn – *“Just for the sake of the validity of what we did in our last meeting and to be in accordance with Robert’s Rules of Order, should we approve the last meeting minutes? Just for the sake of being safe?”*

Douglas Cox – *“Usually moving a regulation up to the Legislature for approval; we shouldn’t have to have approved minutes to move the regulations forward. The next regular meeting is the 1st of February, we would have approved minutes prior to the Legislature meeting and obviously the public hearing would have been held. It is the kind it is consistent with the rule that was done in the past. When a final hearing on an ordinance is approved, the past committee’s minutes have not been approved. If we had an opportunity to hold our regular meeting prior to the public hearing, we would have approved minutes.”*

Craig Corn – *“I am just throwing it out there.”*

Douglas Cox – *“Comments on this version is open for a hearing. There is a record on what the comments are. Anything else?”*

Norbert Miller – *“On page 6. “*

Douglas Cox – *“Let me clarify something before we proceed. I will remind the Commission that we did not put rules of the meeting that limits public comment, and we should have stated such, and having you pick up the regulations when you walked in, I will let you have your 3 minute comment.”*

Norbert Miller *"On page 6 – the ice hole restrictions; I do not spear sturgeon, but I do want to know the actual dimensions of what the hole is suppose to be if you are cutting through the ice."*

Douglas Cox – *"The rule states not to exceed 16 square feet and anything that equates larger than 16 square feet would be in violation of these rules (4 x 4, 8 x 2)."*

Douglas Cox "Anything else, not hearing anything else I would entertain a motion to approve the changes and move these to the Legislature for their consideration."

Motion made by Craig Corn that we forward the lake sturgeon/fishing regulations to the next regular Legislature meeting on February 4, 2009. Second was by Jeremy Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 4 for, 0 opposed, 0 abstentions, and 1 absent (Zhuckkahosee).

4. Adjournment.

Motion made by Jeremy Pyatskowit to adjourn the meeting. Second was by Renita Wilber. All those in favor of the motion signify by saying aye. Motion carried: 4 for, 0 opposed, 0 abstentions, and 1 absent (Zhuckkahosee).

Meeting adjourned at 5:29 p.m.

Respectfully submitted by,

Linda Peters, Recorder/Transcriber
Recording Clerk – Chairman's Office